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## SUBDIVISION ORDINANCE

### ARTICLE I            GENERAL PROVISIONS

#### Section I-1    Title

This ordinance shall be known and may be cited as the Subdivision Regulations of Brunswick County, North Carolina.

#### Section I-2    Purpose

The purpose of this ordinance is to establish procedures and standards for the development and subdivision of land within the territorial jurisdiction of Brunswick County. It is further designed to provide for the coordination of streets and highways within proposed subdivisions with existing and planned streets and highways and with other public facilities; for the dedication or reservation of recreation areas serving residents of the immediate neighborhood within the subdivision and the rights-of-way or easements for street and utility purposes; and for the distribution of population and traffic in a manner that will avoid congestion and overcrowding and will create conditions essential to public health, safety, and the general welfare. This ordinance is designed to further facilitate adequate provisions of water, sewage, parks, schools, and playgrounds.

#### Section I-3    Jurisdiction

The regulations contained herein, as provided in G.S. 153A, Article 18, shall govern each and every subdivision within the jurisdiction of Brunswick County and within the jurisdiction of any municipality whose governing body by resolution agrees to such regulation.

#### Section I-4    Authority

The provisions of this ordinance are hereby adopted under the authority and provisions of the General Statutes of North Carolina, Chapter 153A, Article 18, Part 2.

#### Section I-5    Prerequisite to Plat Recordation

After the effective date of this ordinance, each individual plat of land whether residential or commercial within the County's jurisdiction shall be approved by the Brunswick County Planning Board or the Planning Department.

Effective January 19, 1999 any final plat, either major or minor shall be recorded with the Register of Deeds, within six (6) months from the date of approval by the Planning Department or the Planning Board.

If the final plat is not recorded within this period, it shall expire. The plat may be resubmitted for review and it shall be reviewed against the ordinance in effect at that time.

#### Section I-6 Thoroughfare Plan

Where a proposed subdivision includes any part of a thoroughfare which has been designed as such upon the officially adopted thoroughfare plan of Brunswick County, such part of such thoroughfare shall be platted by the subdivider in the location shown on the plan and at the width specified in this ordinance.

#### Section I-7 School Sites on Land Use Plan

If the Brunswick County Board of Education has determined the specific location and size of any school sites to be reserved or if this information appears in the land use plan, the Brunswick County Planning Board shall immediately notify the Board of Education whenever a preliminary plan for a subdivision is submitted which includes all or part of a school site to be reserved. The Board of Education shall promptly decide whether it still wishes the site to be reserved. If the Board of Education does not wish to reserve the site, it shall so notify the Planning Board. If the Board of Education does wish to reserve the site, the subdivision shall not be approved without such reservation.

#### Section I-8 Zoning and Other Plans

Proposed subdivisions must comply in all respects with the requirements of the Zoning Ordinance in effect in the area to be subdivided, and any other officially adopted plans.

#### Section I-9 Exclusions and Exceptions

The following shall be exempt from the Subdivision Regulations; however, other provisions of the Zoning Ordinance shall apply.

##### 1. Estate Exclusion

Brunswick County chooses to exclude a voluntary partition of land made for the purpose of dividing up the estate of a decedent among his heirs, whether the decedent died testate or intestate, provided that no new roads are created and/or dedicated for public or private ingress and egress. In the event of a transfer or division of an estate in which interior parcels do not abut a public road, each such parcel must have an approved access to a public road of at least thirty (30) feet in width.

2. Family Exception

Certain residential lots will be considered by Brunswick County for family exceptions to the Subdivision Regulations provided the following conditions are met:

1. All new divisions under this family exception shall conform to the zoning requirements of the district in which it is located, however, said division will not have to comply with the right-of-way width requirements of Section 5.7 of the Brunswick County Subdivision Ordinance. Each division must have an approved access of at least 30 feet in width to a public road. A family can have up to five (5) dwellings on the 30-foot access.
2. A family subdivision shall be defined as the division of land into no more than five parcels or lots for the purpose of conveying the resultant parcels or lots to a grantee or grantees who are in any degree of lineal kinship to the grantor, or to the grantee or grantees who are within four degrees of collateral kinship to the grantor. Degrees of kinship would be computed in accordance with G.S. 104A.1. All parcels or lots so conveyed must meet the size requirements of the County Zoning Ordinance. Such certification shall appear on the plat.
3. The owner and grantee certify that the purpose of the exception is not to circumvent the provisions of the Brunswick County Subdivision Ordinance, and that none of the lots shall be conveyed to non-family members for a period of not less than one (1) year, and that the recorded plat and deed shall indicate same.

(a) The following certificates, shall be placed on the final plat.

The grantor and grantee certify that the grantee is within four (4) degrees of collateral kinship to the grantor, and that the purpose of the exception is not to circumvent the provisions of the Brunswick County Subdivision Ordinance, and that none of the lots shall be conveyed to non-family members for a period of not less than One (1) year, and that the recorded plat and deed shall indicate the same.

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Grantor

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Grantee

THE PROPOSED STREET(S) WILL NOT BE MAINTAINED BY  
BRUNSWICK COUNTY AND ANY MAINTENANCE SHALL BE  
THE RESPONSIBILITY OF ALL ADJACENT PROPERTY OWNERS  
TO SAID STREET(S).

4. Note on plat that “The proposed street(s) will not be maintained by Brunswick County and any maintenance shall be the responsibility of all adjacent property owners to said street(s).”
5. The lot or parcel shall contain sufficient land area for the principal residential structure and any additional residential structures to be considered independent principal dwelling units, individually meeting the minimum lot size and required set backs, an imaginary lot line shall be assumed between the structures.
6. Any other residential occupancy of the structures is not permissible and is a violation of this ordinance, unless a minor or major subdivision of the parcel takes place.

3. Combination/Recombination

The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the County as shown by the regulations prescribed by this ordinance, shall be exempt.

4. Division Greater than Ten (10) Acres

The division of land into parcels greater than ten (10) acres where no street right-of-way dedication is involved, shall be exempt.

5. Public Acquisitions/Rights-of-Way

The public acquisition by purchase of strips of land for the widening or openings of streets, shall be exempt.

6. Lots of Record/Not Platted

Lots of record which were recorded by a deed in Brunswick County Courthouse prior to the adoption of the subdivision ordinance in October 21, 1991 may have a plat prepared and recorded.

7. Cemetery Lots

Individual cemetery plots may be platted and recorded that do not meet the minimum lot size requirement of the zoning district in which it exists; however, the cemetery shall comply with the applicable zoning district regulations.

8. Utility Easements/Utility Lease Agreements

Utility easements shall be shown on subdivision plats as required by this ordinance; however, utility easements and utility lease agreements for distribution boxes or structures shall be exempt from the subdivision regulations. All applicable zoning regulations shall apply.

9. Division in Single Ownership

The division of a tract in single ownership whose entire area is no greater than two (2) acres into not more than three (3) lots, where no street right-of-way dedication is involved, and where the resultant lots are equal to or exceed the standards of the County, as shown by the Subdivision Regulations contained in this ordinance.

Section I-10 Interpretation of Terms

1. Words used in the present tense include the future tense.
2. Words used in the singular number include the plural, and words used in the plural number include the singular, unless in the natural construction of the wording indicates otherwise.
3. The word “person” includes a firm, joint venture, association, organization, partnership, corporation, trust and company, as well as individual.
4. The word “lot” includes the words “plot”, “parcel”, or “tract”.
5. The word “building” includes the word “structure”.
6. The word “may” is permissive. the word “shall” is always mandatory and not merely directory. The word “will” is always mandatory and not merely directory.
7. The words “used” or “occupied” as applied to any land or building shall be construed to include the words “intended, arranged, or designed to be used or occupied”.
8. The words “County” shall mean the County of Brunswick, North Carolina.
9. The words “Planning Board” shall mean the Brunswick County Planning Board.
10. The words “County Commissioners” shall mean the County Commissioners of Brunswick County, North Carolina.
11. The words “Zoning Map” or “Official Brunswick County Zoning Map” shall mean the maps of Brunswick County, North Carolina.

Section I-11 Definitions

1. Accessory: A structure or use that is incidental to another use or structure on the same lot.
2. Accessory Residential: An existing residential structure/use that is located on a parcel that is zoned either a business or industrial district may remain and continue as a residential structure for the property owner, his/her family, or a lessee, until such time as the property is redeveloped in accordance with business or industrial district.
3. Board of Commissioners: The governing body of Brunswick County.
4. Buffer: A strip of land with natural or planted vegetation located between a structure and a property line intended to separate and partially obstruct the view of adjacent land uses or properties from one another. A buffer may include any required screening for the site.

5. Building: Any structure, either temporary or permanent, having a roof or other covering, and designed or used for the shelter or enclosure of any person, animal, or property of any kind, including tents, awnings, or vehicles situated on private property and used for purposes of building.
6. Building, Detached: A building having no party or common wall with another building except an accessory building.
7. Building, Height of: The vertical distance from the average underwalk grade, or finished grade of the building line, whichever is the highest, to the highest point of the building.
8. Building Line: A line located a minimum horizontal distance from the right-of-way line of a street or property line parallel thereto between which no building or parts of a building may be erected, altered, or maintained except as otherwise provided herein.
9. Building Setback Line: The line on the front, rear, and sides of a lot which delineates the area within which a structure may be built and maintained.
10. Building, Main: A building in which the principal use of the lot on which the building is situated is conducted.
11. Building, Site: Any lot or portion thereto, of a parcel of land upon which a building or buildings may be erected in conformance with the provisions contained herein.
12. Built-upon area: Built-upon area shall include that portion of a development project that is covered by impervious or partially impervious cover including buildings, pavement, gravel roads, recreation facilities (e.g. tennis courts), etc. (Note: wooden slatted decks and the water area of a swimming pool are considered pervious.)
13. Community Water Supply: See Public Water System.
14. Corner Lot: A lot abutting upon two (2) or more streets at their intersection.
15. Cul-de-Sac: A street with one (1) end open to traffic and the other end of which is permanently terminated by a vehicular turn-around.
16. Developer: Any person, firm, trust, partnership, association, or corporation engaged in development, or proposed development of housing, commercial or industrial projects.
17. Development: Any land disturbing activity which adds to or changes the amount of impervious or partially impervious cover on a land area or which otherwise decreases the infiltration of precipitation into the soil.
18. Development Plan, Phased: A plan which has been submitted to the county by a landowner for phased development which shows the type and intensity of use for a specific parcel or parcels.
19. Development Plan, Site Specific: A plan which has been submitted to the county by a landowner describing the type and intensity of the proposed land uses for a specific parcel or parcels of property.



20. Double Frontage Lots: A continuous (through) lot of the same depth as the width of a block and which is accessible from both of the streets upon which it fronts.
21. Dwelling, Multi-Family: A building used or designed as a residence for more than two (2) families living independently of each other.
22. Dwelling, Single-Family: A detached building designed for or occupied exclusively by one (1) family.
23. Dwelling, Two-Family: A detached building either designed for or occupied by two (2) families living independently of each other.
24. Dwelling Unit: A residential structure or that portion of a residential structure used or designed as a residence for one (1) family. A building, or portion thereof, providing complete and permanent living facilities for one (1) family.
25. Easement: A grant by the property owner for use by the public, a corporation, or person(s) of a strip of land for specified purposes.
26. Existing Lot (Lot of Record): A lot which is part of a subdivision, a plat of which has been recorded in the office of the Register of Deeds prior to the adoption of this ordinance, or a lot described by metes and bounds.
27. Family: One or more persons occupying a single dwelling unit, provided that all members are related by blood or marriage or adoption.
28. Fence (Protective): A structure of wood, stone, brick, block, steel, or other metal extending from the surface of the ground to a minimum height of six (6) feet, and of such materials and construction, which creates a physical barrier.
29. Floor Area (gross): The sum of the gross horizontal areas of the several floors of a building measured from the centerline of a wall separating two buildings, but not including interior parking spaces, loading spaces for motor vehicles.
30. Floor Area (net): The total of all floor areas of a building, excluding stairwells and elevator shafts, utility and equipment rooms, restrooms, interior vehicular parking or loading, and basements when not used for human habitation or service to the public.
31. Floor Area Ratio (FAR): A relationship determined by dividing the gross floor area of all buildings on a lot by the area of that lot.
32. Frontage: All property abutting one (1) side of a street measured along the street line.
33. Impervious Surface: Any surface which in whole or in part, restricts or prevents the natural absorption of water into the ground. Such surfaces may include, but not be limited to, compacted earth (such as marl and coquina), gravel, concrete, asphalt, or other paving material, and all area covered by the footprint of buildings or structures.

Uncovered wooden slatted decks and the water area of a swimming pool are considered pervious.

34. Impervious Surface %: The algebraic percent calculated to determine the percentage of built upon area on any tract(s) of land used for the purpose of actual or anticipated residential or non-residential development.
35. Landowner: Any owner of a legal or equitable interest in real property, including the heirs, devisees, successors, assigns, and personal representatives of such owner.
36. Lot: A parcel of land occupied or capable of being occupied by a building or group of buildings devoted to a common use, together with the customary accessories and open spaces belonging to the same.
37. Lot Area: The parcel of land enclosed within the boundaries formed by the property lines plus one-half (1/2) of any alley abutting the lot between the boundaries of the lot, it extended.
38. Lot Depth: The distance measured in the mean direction of the side lines of the lot from the midpoint of the front line to the midpoint of the opposite lot line.
39. Lot Line: Any boundary of a parcel of land.
40. Lot Line, Front: Any boundary line of a lot running along a street right-of-way line.
41. Lot Line, Rear: The property line(s) which is (are) opposite the front property line. If no property line is deemed to be opposite the front property and no minimum building line exists on the final plat to establish a rear lot line, then there shall be no rear lot line; however, the rear yard setback shall be maintained from the point (apex) on the property's perimeter which is the furthest removed from the midpoint of the front line. The rear yard minimum building line shall be a line perpendicular to a straight line connecting said apex and the midpoint on the front lot line.
42. Lot Line, Side: A boundary line which is not defined as a front or rear lot line.
43. Lot of Record: A lot, of any size, which is part of a subdivision, a plat of which has been recorded, in the office of the Register of Deeds of Brunswick County prior to October 21, 1991, or a lot described by metes and bounds, or by adjoining property owners, the description of which has been so recorded prior to October 21, 1991.
44. Lot Width: The horizontal distance between the side lines measured along the front building line as specified by the applicable front yard setback in this ordinance.
45. Master Plan: An overall plan of development that shows possible uses and intensity of use. Normally shown in phases or sections.

46. Official Maps or Plans: Any maps or plans officially adopted by the County Commissioners of Brunswick County, or municipalities in the County, as a guide for the development of the County, consisting of maps, charts and/or texts.
47. Off-site Sewage System: A sewage system (public, community, or private) serving a development.
48. Off-site Water System: A water supply system (public, community or private) serving a development.
49. On-site Sewage System: A septic tank system, which is located on a lot.
50. Open Space: An area that is designed for either environment, scenic or recreational purposes. Open space may include but is not limited to lawn, decoration planting, walkways (including concrete walkways), active and passive recreation areas, playgrounds, swimming pools, wooded areas. Open space shall not be deemed to include driveways, parking lots, roadway right-of-ways except for landscaped medians 12' in width or greater, transmission electric easements, utility and/or drainage easements or other surfaces designed for vehicular travel.
51. Operating Permit: A permit issued by the Planning Department to a mobile home park or travel trailer park owner or operator upon the completion of a mobile home park or travel trailer park which conforms to the requirements of this ordinance.
52. Parking space: A space for one (1) automobile, plus the necessary access space. It shall always be located outside the dedicated street right-of-way. Parking space requirements shall be consistent with the requirements as per the Brunswick County Zoning Ordinance.
- Angle Parking Minimum – 8.5 feet x 20 feet (measured parallel to the vehicle)  
90 degree Parking Minimum – 9 feet x 20 feet
53. Planned Unit Development: A residential, commercial or combination of residential and commercial projects located on land under unified control, planned as a whole, and programmed series of units or stages of development according to comprehensive and detailed plans, with a program for the provision, operation, and maintenance of any areas, improvements, and facilities provided for the common use of the occupants or users of the development.
54. Planning Board: A body appointed by the Brunswick County Board of Commissioners to perform duties as specified in Ordinance No. VI (Ordinance Establishing A County Planning Board and “Rules of Procedure” adopted by the Planning Board).
55. Plat: A map or plan of a parcel of land which is to be, or has been subdivided, or any existing parcel of land.

56. Private Water Supply: A water supply furnishing water to a development with fourteen (14) or less service connections as mandated by State Law.
57. Public Building: Public buildings shall include local, state or federal government office facilities, including such as libraries and post offices.
58. Public or Community Sewage System: A single system of sewage collection, treatment, and disposal owned and operated by a sanitary district, a metropolitan sewage district, a water and sewer authority, a county or municipality, or a public utility.
59. Public (Community) Water System: A system for the provision to the public or piped water for human consumption if such system has at least fifteen (15) service connections or regularly serves an average of at least twenty-five (25) individuals daily at least sixty (60) days out of the year. Two (2) or more water systems that are adjacent and are owned or operated by the same supplier of water and that together serve fifteen (15) or more persons is a public water system. Public (community) water system must meet standards and approval of the North Carolina Department of Human Resources, Water Supply Branch, as mandated by State Law.
60. Residential Development: Buildings for residence such as attached and detached single-family dwellings, apartment complexes, condominiums, townhouses, cottages, etc. and their associated outbuildings such as garages, storage buildings, gazebos, etc. and customary home occupations.
61. Retention: The surface collection, storage, and reduction of stormwater runoff for the purpose of providing infiltration of runoff into the soil.
62. Reverse Frontage Lot: A continuous lot of the same depth as the width of a block, accessible from only the minor of the two (2) streets upon which it fronts.
63. Road (Public): Any road or highway which is now or hereafter designated and maintained by the N.C. Department of Transportation as part of the State Highway System, whether primary or secondary, hard-surfaced or other dependable highways, and any road which is a neighborhood public road as defined by North Carolina General Statute 136-67, which definition is incorporated into this section by reference.
64. School: Any public or private institution for teaching.
65. Septic Tank System: A ground absorption sewage treatment and disposal system consisting of a septic tank and a nitrification field, necessary pipelines, conduits, pump stations, and other appurtenances required for proper collection, distribution, treatment, disposal, operation, and performance, or any other system approved by the Health Department.
66. Setback: The distance between the minimum building line and the street right-of-way line and where no street right-of-way is involved, the property line shall be used in establishing the setback.
67. Single Family Residential: Any development where: 1) no building contains more than one dwelling unit, and 2) every dwelling unit is on a separate lot.

68. Spoil: Earth, rock, or other materials excavated or dredged from a drainage course.
69. Storage: The deposition of commodities or items for the purposes of future use or safekeeping.
70. Stream Buffer: A fifty (50) foot vegetated buffer along both sides of all perennial streams as defined by the USGS as ones “which flow continuously” and are indicated by solid blue lines on 7 1/2 minute topographic maps.
71. Street: A public or private thoroughfare which affords access to abutting property and is recorded as such in the Office of the Register of Deeds. A right-of-way for vehicular traffic which affords the principal means of access to abutting properties.
72. Street, Private: A dedicated or undedicated private right-of-way, which affords access to abutting properties and requires a Subdivision Streets Disclosure Statement in accordance with G.S. 136-102.6.
73. Street, Public: A dedicated and accepted public right-of-way which affords the principal means of access to abutting properties for vehicular traffic.
74. Structure: Anything constructed or erected, including but not limited to buildings, which requires location on the land or the attachment to something having permanent location on the land.
75. Subdivider: Any person, firm, or corporation who subdivides or develops any land deemed to be a subdivision as herein defined.
76. Subdivision: All divisions of a tract or tracts and/or parcel of land into one (1) or more lots, building sites, or other divisions for the purpose, whether immediate or future, for sale, or building development, and this shall include all divisions of land involving the dedication of a new street or a change in existing streets; provided, however, that the following shall not be included within this definition: Rev. 02/06/06
- a. The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the County as shown by the regulations prescribed by this ordinance;
  - b. The division of land into parcels greater than ten (10) acres when no street right-of-way dedication is involved;
  - c. The public acquisition by purchase of strips of land for the widening or opening of streets; and

- d. The division of a tract in single ownership whose entire area is no greater than two (2) acres into not more than three (3) lots, where no street right-of-way dedication is involved, and where the resultant lots are equal to or exceed the standards of the County, as shown by the Subdivision Regulations contained in this ordinance.
77. Subdivision Administrator: The person or persons responsible for the administration of Chapter 3 of this Ordinance, and appointed in Chapter 3, Article II, Section 3.9.
78. Technical Review Committee: A committee consisting of one (1) Brunswick County Planning Board member, planning staff, NC DOT, schools representative, representatives from public and private utilities, environmental health, GIS, Fire Marshall, EMS representative, Solid Waste representative, and any other individual so designated by the Brunswick County Planning Board to review plats.
79. Use: The purpose for which land or structures thereon are designed, arranged, or intended to be occupied or used; or for which it is occupied, maintained, rented, or leased.
80. Variance or Exception: A modification or alteration of any of the requirements of this ordinance.
81. Watershed: The entire land area contributing surface drainage to a specific point (e.g. the water supply intake).
82. Yard: Any open space on the same lot with a building and unoccupied from the ground upward except by trees, shrubbery, or fences.
83. Yard, Front: A yard across the full width of the lot, extending from the front line of the building to the front lot line.
84. Yard, Rear: A yard located behind the rear line of the main building, if extended, to the perimeter of the lot.
85. Yard, Side: A yard between the building and side lot line, extending from the front building line to the rear building line.
86. Zero Lot Line Dwelling: A detached single-family dwelling on a lot with a side yard requirement on one (1) side of the lot.
87. Zoning Permit: A permit issued by the Zoning Administrator or his authorized agents, that permits the applicant to use or occupy a tract of land or a building; or to erect, install or alter a structure, building, or sign situated in the jurisdiction of the County that fully meets the requirements of this ordinance.

## ARTICLE II PROCEDURE FOR REVIEW AND APPROVAL OF MINOR SUBDIVISION PLATS

### Section II-1 Plat shall be Required on any Subdivision of Land

Pursuant to G.S. 153A-330, a final plat shall be prepared, approved, and recorded pursuant to the provisions of this ordinance whenever any subdivision of land takes place in Brunswick County.

### Section II-2 Approval Prerequisite to Plat Recordation

Pursuant to G.S. 153A-331, no final plat of a subdivision within the jurisdiction of Brunswick County as established in Chapter 3, Section I-4 of this ordinance shall be recorded by the Register of Deeds of Brunswick County until it has been approved by the Planning Director or his designee or by the County Planning Board as provided herein. To secure such approval of a final plat, the subdivider shall follow the procedures established in this article.

### Section II-3 Minor Subdivision Procedures

In an effort to simplify and condense the review process for small tracts of land, minor subdivision of land shall comply with the following procedures and only require that a final plat be submitted for approval.

- 3.1. Minor Subdivision: Division of a tract of land into not more than 5 lots and meeting the following standards:
  - A. On a shared access easement, if not more than 5 lots are served, the access must be 45' in width.
  - B. Extension of public water or sewer shall be in accordance with the County's current Water Utility Policy.
  - C. No more than five (5) residences shall be platted.
  - D. The subdivision shall not be in conflict with the County's Land Use Plan.
- 3.2 Prior to submitting a final plat, the subdivider, or his agent, shall discuss his subdivision with the Planning Director or his designee to ensure that the proposed subdivision qualifies as a minor subdivision and that the subdivider understands the requirements and procedures necessary to gain final approval of the subdivision.
- 3.3 The final plat for a minor subdivision shall be prepared by a Professional Land Surveyor licensed and registered to practice in North Carolina, and drawn at a scale of one hundred (100) feet to one (1) inch or larger, and eighteen (18) inches by twenty-four (24) inches, suitable for recording in the Register of Deeds Office and in conformance of G.S. 47-30, as amended.

- 3.4 The subdivider shall submit three (3) paper print copies and one (1) final plat suitable for reproduction, to the Planning Director or his designee. This final minor subdivision plat shall be accompanied by a fee of \$25 payable to Brunswick County.
- 3.5 The final plat for a minor subdivision shall show at a minimum:
- A. The name of the subdivision.
  - B. The lines and names of all streets and roads.
  - C. Lot lines and lot numbers, numbered consecutively.
  - D. Minimum building setback lines.
  - E. Reservations and easements.
  - F. All dimensions should be to the nearest one-hundredth (100) of a foot and angles to the nearest minute.
  - G. Accurate location and description of all monuments and stakes.
  - H. The names and locations of adjoining subdivisions and streets, and the location and ownership of adjoining property.
  - I. Title, date, name, and location of subdivision, graphic scale, and magnetic north point.
  - J. Name of owner and professional surveyor or professional engineer and professional surveyor and professional engineer's address. Rev.02/06/06
  - K. Sketch vicinity map showing relationship between subdivision and surrounding area with S.R. numbers.
  - L. Proposed deed restrictions or similar covenants, if any, be attached.
  - M. If disturbing more than an acre of land, an erosion and sedimentation control plan in compliance with state and local ordinances must be attached.
  - N. The ratio of precision as calculated by latitudes and departures before any adjustments, must be shown.
  - O. Indicate whether roads will be public and DOT maintained or private with a private road maintenance agreement.
  - P. A Traffic Impact Analysis (TIA) must be completed prior to the submittal of any preliminary plan that will generate more than one hundred (100) vehicle trips during the peak hour or one thousand (1000) total new daily trips based on most recent trip generation rates by the Institute of Traffic Engineers (ITE). The TIA shall be prepared in accordance with scoping standards and guidelines set forth by the North Carolina Department of Transportation (NCDOT) and Brunswick County. Rev. 06/05/06
  - Q. Other information considered necessary by the planning staff.
  - R. When any new private road or easement is created, the following road requirements shall be met:

Type I private road or easement serving no more than five (5) lots (as defined in Article I, Section I-11), whether existing lots or new lots, or combination of the same, shall meet the following standards:



1. Must comply with minimum N.C. Department of Transportation, right-of-way standards for width and centerline radius.
2. Shall be dedicated to a homeowner association, and comply with the following, prior to approval of the final plat:
  - a. The property owners association shall be established before the lots are sold.
  - b. Membership in the association shall be mandatory for each lot buyer and all successive buyers.
  - c. The association shall be responsible for the maintenance and upkeep of the private street or road.
  - d. Any sums levied by the association that remain unpaid shall become a lien on the individual owner's property which shall be subordinate to tax and mortgage liens.
  - e. Owners of each lot shall have voting rights in the association.
  - f. The following information shall also be provided:
    - (1) The name and address of the association.
    - (2) The manner in which directors of the association are to be selected.
    - (3) The post office address of the initial registered office.
    - (4) The name of the city and county in which the registered office is located.
    - (5) The number of director's constituting the initial board of directors.

S. The following certificates, where applicable, shall be placed on the final plat:

1. I (We),\_\_\_\_\_ hereby certify that I am (we are) the owners of the property shown and described hereon which was conveyed to me (us) by deed recorded in Book \_\_\_\_, Page\_\_\_\_, and that I (we) hereby adopt this plan of subdivision with my (our) free consent, establish the minimum building lines, and dedicate all drainage ways and other open space to public or private use as noted. Further, I (we) certify) that the land as shown hereon is within the subdivision regulation jurisdiction of Brunswick County.

\_\_\_\_\_  
Owner(s)

\_\_\_\_\_  
Date

2. I, \_\_\_\_\_, certify that this plat was drawn under my supervision from (an actual survey made under my supervision) (deed description recorded in Book\_\_\_\_, Page\_\_\_\_, etc.) (other); that the boundaries not surveyed are shown as broken lines plotted from information found in Book\_\_\_\_, Page\_\_\_\_, that this plat was prepared in accordance with G.S. 47-30 as amended. Witness my original signature, registration number, and seal this \_\_\_\_\_ day of \_\_\_\_\_ (month), \_\_\_\_\_ (year).

\_\_\_\_\_  
Surveyor

\_\_\_\_\_  
Registration Number

3. I hereby certify that the subdivision plat shown hereon has been found to comply with the Subdivision Regulations of Brunswick County, with all variances noted in the minutes of the Brunswick County Planning Board, that all easements, shown hereon, are accepted by Brunswick County, subject to approval by the N.C. Department of Transportation which assumes no responsibility to open or maintain the same, and that this map has been approved for recording in the office of the Register of Deeds.

\_\_\_\_\_  
Planning Director or Designee/Date

Approval expires if not recorded on or before \_\_\_\_\_ (date) and must be submitted for reapproval.

4. I, \_\_\_\_\_, Registered or Professional Land Surveyor, certify to one or more of the following:
- a. That the survey creates a subdivision of land within the are of a county or municipality that has an ordinance that regulates parcels of land;
  - b. That the survey is of an existing parcel or parcels of land;
  - c. That the survey is of another category, such as recombination of existing parcels, a court-ordered survey, or other exception to the definition of subdivision;
  - d. That the information to the surveyor is such that the surveyor is unable to make a determination to the best of his/her professional ability as to provisions contained in (a) through (c) above.

\_\_\_\_\_  
Registered or Professional Land Surveyor

- 3.6 Within thirty (30) days of submission, the final plat shall be reviewed by the Planning Director or his designee.
- 3.7 If the final plat for a minor subdivision is in compliance with the ordinance, the Planning Director or his designee shall approve the final plat.
- A. Approval of the final plat is authorization for the plat to be filed with the Register of Deeds. Any final plat shall be recorded with the Register of Deeds, within six (6) months from the date of approval, by the Planning Director or his designee. If the final plat is not recorded within this period, it shall expire. The plat may be resubmitted for review and it shall be reviewed against the ordinance in effect at that time.
  - B. This approval shall be noted on the original and two copies of the final plat. The approval shall be returned to the subdivider, one (1) copy shall be transmitted to the Environmental Health Section of the Brunswick County Health Department, and one (1) copy shall be retained for the files of the Planning Board. The subdivider shall return a copy of the recorded plat to the Planning Department within five (5) days of recordation.
  - C. No final plat for a minor subdivision shall be approved until it meets the requirements set forth, all required fees have been paid, and certificates required by this ordinance to appear on a final plat have been properly filled out, dated, and signed.
- 3.8 If the final plat is not in compliance with these regulations, the reasons for non compliance and conditions to be met before the Planning Director or his designee will approve the final plat, shall be noted on two (2) copies of the proposed final plat. One (1) copy shall be returned to the subdivider and one (1) copy shall be retained by the Planning Director.

If the final plat for a minor subdivision is denied by the Planning Director, the applicant may appeal the decision to the Planning Board. The applicant shall notify the Administrator in writing of his/her intent to appeal, within thirty (30) days of the denial. The Planning Director will place the appeal on the next available Planning Board agenda. If the final plat is denied by the Planning Board, the applicant may appeal to the Board of Commissioners. Any appeal to the Board of Commissioners must be taken within thirty (30) days from the date of the decision of the Planning Board.

- 3.9 The approval of a final plat pursuant to the regulations adopted under this article shall not be deemed to constitute or affect the acceptance by the County or the public of the dedication of any street or other ground, public utility line or other public facility shown on the plat, for the purpose of maintenance.

- 4.0 The Planning Director or his designee shall have the authority to certify plat compliance with the Brunswick County Subdivision Regulations.

#### Section II-4 Major Subdivision Procedure

##### 4.1 Sketch Design Plan

- A. Prior to submitting a preliminary plat, the subdivider is required to prepare a sketch design plan of the proposed subdivision, and schedule a meeting with the Planning Director or his designee to discuss the proposal. At this meeting, the subdivider should explain the proposed design, answer questions about it, and advise the Planning Staff of any proposed variations from these Subdivision Regulations. This procedure does not require application or fee.
- B. The sketch design plan should be drawn to a minimum scale of approximately one (1) inch to one hundred (100) feet or other standard engineering scale, and should show:
1. Streets rights-of-way public or private.
  2. Other rights-of-way and easements.
  3. Lot lines, water courses, buildings, etc.
  4. Sites, if any, for schools, churches, parks, etc.
  5. Site data:
    - (a) Acreage in tract.
    - (b) Approximate acreage of public use, including streets.
    - (c) Total number of lots proposed.
  6. Sketch vicinity map showing relationship between subdivision and surrounding area with S.R. numbers.

##### 4.2 Preliminary Plat

- A. The subdivider shall submit fifteen (15) paper print copies and, if available, drawing exchange file, i.e., DWG or DXF format to the county's computer system, of the preliminary plat to the Planning Department for review by the Planning Board. The Subdivision Administrator may consult with the Technical Review Committee of the Planning Board at any time for all or part of the necessary review. The Subdivision Administrator shall check the preliminary plat for compliance with this section and Article III, Brunswick County Subdivision Ordinance, and any other requirements of the Zoning Ordinance.

When a subdivision is to be developed in stages, a master plan shall be submitted for the entire development including a master utility plan. A final plat shall be submitted for each stage. The final plat shall be

submitted within eighteen (18) months after approval of the preliminary plat; otherwise, the preliminary plat shall become null and void, unless an extension of time is applied for and granted by the Planning Board.

- B. The preliminary plat shall be at a minimum scale of one hundred (100) feet to one (1) inch or larger. The preliminary plat will show at a minimum the following and other information as may be required by staff or the Planning Board:
1. Proposed name of subdivision.
  2. The location of existing and platted property lines, streets, water courses, railroads, transmission lines, sewers, bridges, culverts, and drainpipes, and approximate location of water mains, city and county lines (if adjoining), and any public utility easement.
  3. Boundaries of tract shown with bearings and distances.
  4. Wooded areas, marshes, and any other conditions affecting the site.
  5. Names of adjoining property owners or subdivisions.
  6. Zoning classifications both on the land to be subdivided, and on adjoining lands.
  7. Proposed streets, public or private, with widths.
  8. Other proposed rights-of-way or easements such as drainage with locations, widths, and purposes.
  9. Proposed lot lines, lot and block numbers, and approximate dimensions.
  10. Proposed minimum building setback lines by zoning district.
  11. Contour map from quadrangle maps or County aerial maps, as available.
  12. Proposed parks, school sites, or other public open space.
  13. Title, date, north point, and graphic scale.
  14. Name of owner and subdivision designer and subdivision designer's address. Rev.02/06/06
  15. Site Data:
    - (a) Acreage in total tract.
    - (b) Acreage of open space.
    - (c) Average lot size.
    - (d) Total number of lots.
    - (e) Linear feet in streets.
    - (f) Approximate delineation of wetlands by Corps of Engineers or certified designee.
  16. Sketch vicinity map showing relationship between subdivision and surrounding area with S.R. numbers.
  17. A Traffic Impact Analysis (TIA) must be completed prior to the submittal of any preliminary plan that will generate more than one hundred (100) vehicle trips during the peak hour or one thousand (1000) total new daily trips based on most recent trip generation rates by the Institute of Traffic Engineers (ITE). The TIA shall be

prepared in accordance with scoping standards and guidelines set forth by the North Carolina Department of Transportation (NCDOT) and Brunswick County.

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- C. The preliminary plat shall be checked against the design standards and plat requirements of these regulations by the Brunswick County Planning Staff. The Planning Director may consult with the Technical Review Committee and shall provide the following agencies an opportunity to review and make recommendations concerning the proposed subdivision plat before it is submitted to the Planning Board.
  - 1. The District Engineer of the N.C. Department of Transportation as to proposed streets, highways, and drainage system.
  - 2. The Geographic Information staff.
  - 3. The County School Superintendent and Board of Education as to proposed school sites.
  - 4. The Director of Engineering Services may review the plat and comment on land use suitability based on soil conditions with respect to drainage, utility easements, erosion hazards, apparent flood plains, and other pertinent points.
  - 5. The Brunswick County Director of Economic Development as to proposed industrial and commercial development.
  - 6. County Public Utilities Director for review.
  - 7. Such other agencies and officials as the Planning Staff may deem necessary or desirable.
- D. The subdivider, developer, or agent, shall meet with the Technical Review Committee to discuss the preliminary plat which is to be considered. The Technical Review Committee shall discuss with the subdivider, developer, or agent, changes deemed advisable, and the kind and extent of improvements to be made.
- E. The Planning Board shall approve, disapprove, or table the preliminary plat. The Planning Board can also approve with conditions.
  - 1. Approval of the preliminary plat is authorization for the subdivider to proceed with the construction of improvements once all other state and county requirements are met.

2. If the Planning Board should disapprove the preliminary plat, the reasons for such action shall be stated and recommendations made on the basis of which the proposed subdivision would be approved. The developer may appeal the decisions of the Planning Board to the Board of Commissioners.

#### 4.3 Final Plat

After the improvements shown on the approved preliminary plat have been installed, or guaranteed, for the whole or portion of a subdivision, the applicant shall submit a final plat of the area covered by such improvements. The final plat shall be prepared by a land surveyor registered to practice in North Carolina, and such registration shall be notarized on the final plat. All final plats to be recorded by the Brunswick County Register of Deeds shall be probated and shall conform to the provisions for plats, subdivisions, and mapping requirements set forth in G.S. 47-30 as amended, and the Standards of Practice for Land Surveying in North Carolina.

- A. The subdivider shall submit fifteen (15) paper print copies, if available, drawing exchange file, i.e., DWG or DXF format to the county's computer system, of the final plat of the Planning Department for review by the Planning Board. The Subdivision Administrator may consult with the Technical Review Committee of the Planning Board at any time for all or part of the necessary review. The Planning Director shall check the preliminary plat for compliance with this section and Article III, Brunswick County Subdivision Ordinance, and any other requirements of the Zoning Ordinance.

Upon approval by the Planning Director, the final plat shall be accompanied by a check made payable to Brunswick County to cover costs associated with final plat review and filing costs. The fee shall be seventy-five dollars (\$75.00) plus five dollars (\$5.00) per lot.

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- B. The final plat shall be drawn at a minimum scale of one hundred (100) feet to one (1) inch or larger, on a sheet size of eighteen (18) inches by twenty-four (24) inches, suitable for recording in the Register of Deeds Office and in conformance with G.S. 47-30, as amended. The final plat shall conform substantially to the preliminary plat as approved and shall constitute only that portion of the approved preliminary plat which the subdivider proposed to record and develop at the time.

C. The final plat will show at a minimum the following and any other information that may be required by staff or the Planning Board:

1. The name of the subdivision.
2. The lines and names of all streets and roads.
3. Lot lines and lot numbers.
4. Minimum building setback lines.
5. All reservations, easements, alleys, and any areas to be dedicated to public use or sites for other than residential use with notes stating their purpose and any limitations.
6. Sufficient data to determine readily and to reproduce on the ground, the location, bearing, and length of every street line, whether curved or straight, and including suitable north reference. This should include the radius, center angle, and curved property lines that are not the boundary of curved streets.
7. All dimensions should be to the nearest one-hundredth (1/100) of a foot and angles to the nearest minute.
8. Accurate location and description of all monuments and stakes.
9. The names and locations of adjoining unsubdivided property.
10. Title, date, name, and location of subdivision, and graphic scale.
11. The ratio of precision as calculated by latitudes and departures before adjustments, must be shown.
12. Name of owner(s) and of Registered or Professional Land Surveyor and of Registered or Professional Land Surveyor's address. Rev. 02/06/06
13. Sketch vicinity map showing relationship between subdivision and surrounding area.
14. Evidence of approval by letter from the N.C. Department of Natural Resources and Community Development, Division of Water Quality, for all community or public sewage systems and by the N.C. Department of Human Resources, Division of Health Services, for all community or public water systems.
15. Proposed deed restrictions or similar covenants, if any.
16. Evidence of approval of soil erosion, storm drainage, and sedimentation control by appropriate agency.
17. All roads must be either acceptable to DOT or a property owners association established.
18. Other information considered to be pertinent to review final plats by the Planning Staff.
19. Show Flood Zone area on plat.
20. Surveyed delineation of wetlands.



21. The following certificates, where applicable, shall be placed on the final plat:

- (a) I (We) hereby certify that I am (we are) the owner(s) of the property shown and described hereon which was conveyed to me (us) by deed recorded in Book \_\_\_\_, Page \_\_\_\_, and that I (we) hereby adopt this plan of subdivision with my (our) free consent, establish the minimum building lines, and dedicated all streets, alleys, walks, parks, drainage-ways, and other open spaces to public or private use as noted. Further, I (we) certify that the land as shown hereon is within the Subdivision Regulation jurisdiction of Brunswick County.

\_\_\_\_\_  
Owners(s) /Date

- (b) I, \_\_\_\_\_, certify that this plat was drawn under my supervision from (an actual survey made under my supervision) (deed etc.) (other); that the boundaries not surveyed are shown a broken lines plotted from information found in Book \_\_\_\_, Page \_\_\_\_, that this plat was prepared in accordance with G.S. 47-30 as amended. Witness my original signature, registration number, and seal this \_\_\_\_ day of \_\_\_\_\_, A.D., 19\_\_.

\_\_\_\_\_  
Surveyor

\_\_\_\_\_  
Registration Number

Seal or Stamp

- (c) I, \_\_\_\_\_, Registered or Professional Land Surveyor, certify to one or more of the following:

- a. That the survey creates a subdivision of land within the area of a county or municipality that has an ordinance that regulates parcels of land;
- b. That the survey is of an existing parcel of land.
- c. That the survey is of another category, such as recombination of existing parcels, a court-ordered survey, or other exception to the definition of subdivision;
- d. That the information to the surveyor is such that the surveyor is unable to make a determination to the best of his/her professional ability as to provisions contained in (a) through (c) above.

\_\_\_\_\_  
Registered or Professional Land Surveyor

- (d) Certification that private streets and roads meet the construction standards of this ordinance, signed by the subdivider's engineer or surveyor.

- (e) Public subdivision streets and roads Construction Standards Certification signed by the District Highway Engineer.
- (f) I hereby certify that the subdivision as depicted hereon has been granted final approval pursuant to the Brunswick County Subdivision Regulations.

\_\_\_\_\_  
Chairman, Brunswick County                      Date  
Planning Board

Approval expires if not recorded on or before  
\_\_\_\_\_ (date) and must be resubmitted for  
reapproval.

- (g) I hereby certify that streets, utilities, and other improvements have been installed in an acceptable manner and according to County specifications in the subdivision entitled \_\_\_\_\_ or that a security bond or irrevocable letter of credit in the amount of \$\_\_\_\_\_ have been posted with Brunswick County to ensure the installation thereof.

\_\_\_\_\_  
Planning Director    /Date

- D. In order for the Planning Director or Planning Board to approve the final plat, all of the above certificates must be properly signed and dated.
- E. If the final plat is in compliance with the ordinance, the Planning Director shall approve the final plat. This approval shall be noted on the original and three (3) copies of the final plat. The original shall be returned to the subdivider. One (1) copy shall be transmitted to the Brunswick County Department of Engineering, one (1) copy shall be transmitted to the Brunswick County Health Department, and one (1) copy shall be retained for the permanent files of the Planning Board. The approval is authority for the subdivider to record the subdivision plat and to begin the sale of lots.

Any final plat shall be recorded with the Register of Deeds, within six (6) months from the date of approval by the Planning Director or the Planning Board.

If the final plat is not recorded within this period, it shall expire. The plat may be resubmitted for review and it shall be reviewed against the ordinance in effect at that time.

- F. No final plat shall be approved until all improvements are installed or meet the requirements set forth below, all required fees have been paid, and certificates required by this ordinance to appear on the final plat have been properly filled out and signed.

- G. If the final plat is denied by the Planning Director, the applicant may appeal the decision to the Planning Board. The applicant shall notify the Planning Director in writing of his/her intent to appeal, within *ten (10)* days of the denial. The Planning Director will place the appeal on the next available Planning Board agenda.

If the final plat is denied by the Planning Board, the applicant may appeal to the Board of Commissioners. Any appeal to the Board of Commissioners must be taken within thirty (30) days after the decision of the Planning Board is filed in the Planning office, or after a written copy of the decision is mailed to the appellant by registered mail return receipt requested, whichever is later.

Such appeal shall be for the Board of Commissioners to determine if the Planning Board correctly applied the subdivision ordinance to the subdivision request.

- H. If the final plat is not in compliance with these regulations, the reasons for disapproval and conditions to be met before the planning staff or Planning Board will approve the final plat shall be noted on two (2) copies of the proposed final plat. One (1) copy shall be returned to the subdivider and one (1) copy shall be retained for the Planning Board's records. The subdivider will be given six (6) months to submit a revised final plat. If the revised final plat is not received by the planning staff within six (6) months, the approved preliminary plat shall be null and void.
- I. Where the required improvements have not been completed prior to the submission of the final plat, the Planning Board may accept from the subdivider a bond with surety or other guarantees satisfactory to the County in an amount equal to one hundred and twenty-five percent (125%) of the cost of the installation of the required improvements, whereby improvements may be made and utilities installed without cost to the County in the event of default by the subdivider. One of the methods described in Chapter 3, Section II-4.4 may be used by the subdivider to guarantee the installation of said improvements.
- J. The approval of a final plat pursuant to regulations adopted under this article shall not be deemed to constitute or affect the acceptance by the County or the public of the dedication of any street or other ground, public utility line, or other public facility shown on the plat. Public roads must be accepted by NC DOT.

#### 4.4 Improvement Guarantees

##### A. Agreement and Security Required

In lieu of requiring the completion, installation, and dedication of all improvements prior to final plat approval, the County may enter into an agreement with the subdivider whereby the subdivider shall agree to complete all required improvements, with the exception of electric utilities. Once said agreement is signed by both parties and the security required herein is provided, the final plat may be approved by the Planning Board, if all other requirements of this ordinance are met. To secure this agreement, the subdivider shall provide, subject to the approval of the Director of Engineering Services, either one (1) or a combination of the following guarantees not exceeding one hundred and twenty-five percent (125%) of the entire cost as provided herein:

##### 1. Surety Performance Bond(s)

The subdivider shall obtain a performance bond(s) from a surety bonding company authorized to do business in North Carolina. The bonds shall be payable to Brunswick County and shall be equal to, either alone or in combination with any other surety discussed in this section, to a total amount equal to one hundred and twenty-five percent (125%) of the entire cost, as estimated by the subdivider and approved by the Director of Engineering Service, of installing all required improvements, with the exception of electric utilities. The duration of the bond(s) shall be until such time as the improvements are accepted by the County of Brunswick.

##### 2. Security

The subdivider shall deposit an irrevocable letter of credit, or other instrument readily convertible into cash at face value, either with the County or in escrow with a financial institution designated as an official depository of the County.

The amount of the deposit shall be equal to, either alone or in combination with any other security discussed in this section, to a total amount equal to one hundred and twenty-five percent (125%) of the cost, as estimated by the subdivider and approved by the Director of Engineering Services of installing all required improvements, with the exception of electric utilities. If cash or other instrument is deposited in escrow with a financial institution as provided above, then the subdivider shall file with the Director

of Engineer Services an agreement between the financial institution and himself guaranteeing the following:

- (a) That said escrow account shall be held in trust until released by the Planning Board and may not be used or pledged by the subdivider in any other matter during the term of the escrow; and
- (b) That in the case of failure on the part of the subdivider to complete said improvements the financial institution shall, upon notification by the Planning Board and submission by the Planning Board to the financial institution of an engineer's estimate of the amount needed to complete the improvements, immediately either pay to the County the funds estimated to complete the improvements, up to the full balance of the escrow account, or deliver to the County any other instruments fully endorsed or otherwise made payable in full to the County. (See Appendix B)

3. Certification of Electric Utilities

A written statement by the utility company, authorized to serve the subdivision, stating their commitment to install electric utilities with projected completion dates may be accepted in lieu of guarantees set forth in paragraphs A-1 and A-2 of this section.

B. Default

Upon default, meaning failure on the part of the subdivider to complete the required improvements in a timely manner as spelled out in the performance bond or escrow agreement, then the surety, or the financial institution holding the escrow account shall, if requested by the Planning Board, pay all or any portion of the bond or escrow fund to Brunswick County up to the amount needed to complete the improvements based on an engineering estimate. Upon payment, the Planning Board, in its discretion, may expend such portion of said funds as it deems necessary to complete all or any portion of the required improvements.

C. Release of Guarantee Security

The Planning Board may release a portion of any security posted as the improvements are completed and recommended for approval by the Director of Engineering Services. If the Planning Board approves said improvements, then it shall immediately release any security posted.

- D. The County shall require a bond guaranteeing utility taps, curbs, gutters, sidewalks, drainage facilities, water and sewer lines, and other improvements against defects for one (1) year. This bond shall be in the amount determined by the Director of Engineering Services and shall be made by a surety company authorized to do business in North Carolina.
- E. The Planning Board shall secure from all subdividers a letter in which said subdivider shall agree to maintain the backfill and improvements located thereon and therein and any ditch or drain tile which has been dug or installed in connection with the installation of such improvements. Such letter shall be binding on the subdivider for a period of one (1) year after acceptance of such improvement by the County Planning Board.

The subdivider shall notify the buyer of the nature, extent, and location of these improvements and shall include such notice as a part of the written sales transaction. Likewise, the subdivider shall also retain responsibility for maintenance of such improvements on all such lands until sale thereof is made.

#### 4.5 Resubdivision Procedures

For any replatting or resubdivision of land, the same procedures, rules, and regulations shall apply as prescribed herein for an original subdivision submittal.

## ARTICLE III REQUIRED IMPROVEMENTS AND MINIMUM STANDARDS OF DESIGN FOR SUBDIVISIONS IN BRUNSWICK COUNTY

### Section III-I General

Each subdivision of land shall meet the minimum standards of design and contain the improvements required by this article. Land may be dedicated and reserved in subdivisions and the required improvements shall be paid for by the subdivider or developer.

### Section III-2 Suitability of Land

- 2.1 Land which has been determined by the County staff on the basis of engineering or other expert surveys, to pose an ascertainable danger to life or property by reason of its unsuitability for the use proposed, shall not be platted for that purpose, unless and until the subdivider has taken the necessary measures to correct said conditions.
- 2.2 Areas that have been used for disposal of solid waste shall not be subdivided.
- 2.3 Subdivision proposals shall be consistent with the need to minimize flood damage.

### Section III-3 Name Duplication

The name of the subdivision shall not duplicate nor closely approximate the name of an existing subdivision within Brunswick County.

### Section III-4 Subdivision Design

- 4.1 Blocks
  - A. The lengths, width, and shapes of blocks shall be determined with due regard to; provision of adequate building sites suitable to the special needs of the type of use contemplated; zoning requirements; needs for vehicular and pedestrian circulation; control and safety of street traffic; limitations and opportunities of topography; and convenient access to water areas.
  - B. Blocks shall have sufficient width to allow two (2) tiers of lots of minimum depth except where single tier lots are required to separate residential development from through-vehicular traffic or another type of use, in non-residential subdivisions, or where abutting a water area.
  - C. Where deemed necessary by the Planning Board, a pedestrian crosswalk at least fifteen (15) feet in width may be required to provide convenient public access to a public area such as a park or school, to a water area, or to areas such as shopping centers, religious, or transportation facilities.

- D. Block numbers shall conform to the County street numbering system, if applicable.

#### 4.2 Lots

- A. Lots in new subdivisions shall conform to zoning regulations of the district in which the subdivision is located. Conformance to zoning requirements means, among other things, that the smallest lot in the subdivision must meet dimensional requirements of the zoning ordinance. It is not sufficient merely for the average lot to meet zoning requirements.
- B. The lot width shall be based on the specific zoning district requirements.
- C. Where a lot fronts on a turning circle of a cul-de-sac or at a point of a street where the radius of the curvature of the right-of-way is less than ninety (90) feet, the minimum street frontage width requirements shall be forty (40) feet.
- D. Corner lots for residential use shall have an extra width of ten (10) feet to permit adequate building setback from the side streets.
- E. Double frontage lots should be avoided
- F. Side lot lines shall be substantially at right angles or radial to street lines.
- G. Street lights shall be provided in major subdivisions as regulated by the appropriate utility company.

#### 4.3 Easements/Wetlands/Open Space

- A. Utility and drainage easements shall be provided and shall be at least twenty (20) feet wide. Drainage easements should be centered on rear or side lot lines to the maximum practical extent. Utility and drainage easements shall be approved by the Director of Engineering Services.
- B. Where a subdivision is traversed by a water course, drainageway, drainage tile, channel, or stream, there shall be provided a stormwater easement or drainage right-of-way conforming substantially with the lines of such water course, and such further width or construction, or both, as will be adequate for the purpose. Parallel streets or parkways may be required in connection therewith.



C. Wetlands

Ecologically sensitive lands, such as marsh, Carolina Bays, pocosins and swamps, when in the ownership of the owner/applicant, are to be preserved whenever possible for the public interest. An approximate delineation of wetlands at preliminary plat stage and surveyed delineation of Federally regulated wetlands at final plat stage are required in major subdivisions. Staff shall receive documentation from the Corps of Engineer of wetland delineation to go in file.

D. Assured Open Space

For residential developments of 20 or more lots, assured open space area shall be a minimum of three (3) percent of the gross site area or one-half (1/2) acre whichever is greater. The entire three (3) percent of the open space must be land other than wetlands. The assured open space shall be accessible to the housing units.

E. Lakes, ponds, creeks, and similar areas may be accepted by the County for maintenance only if sufficient land is dedicated as a public recreation area or park or if such area constitutes a necessary part of the drainage control system. The acceptance of such dedicated areas must be approved by the Board of Commissioners.

F. All affected utility companies shall be provided with copies of the plat by the subdivider and be expected to work with the developer in designing the utilities plan for the subdivision.

4.4 Development Agreements

Development Agreements may be considered as specified in N.C.G.S. 153A-376 in accordance with the following minimum criteria:

1. The property must have at least 25 developable acres (excluding wetlands, unbuildable slopes, etc.).
2. The Development Agreements shall be limited to a term not exceeding 20 years.
3. Development Agreements are subject to public hearing procedures set forth in N.C.G.S. 153A-323 and must be adopted by the Brunswick County Board of Commissioners.
4. Development Agreements are binding and must be recorded at the Brunswick County Register of Deeds. Once executed, the agreement shall run with the property, never the person or corporation.

Rev. 02/06/06

## Section III-5 Streets

### 5.1 Public Streets

All public streets shall be built to the standards of this ordinance and all other applicable standards of the County and the N.C. Department of Transportation. Public streets which are eligible for acceptance into the State Highway System shall be constructed to the standards necessary to be put on the State Highway System or the standards in this ordinance, whichever is stricter.

Streets which are not eligible to be put on the State Highway System because there are too few lots or residences shall, nevertheless, be dedicated to the public and shall be constructed in accordance with the standards in this ordinance or the standards necessary to be put on the State Highway System, whichever is stricter, so as to be eligible to be put on the system at a later date. A written road maintenance agreement with provisions for maintenance of the street until it is put on the State system shall be included in the final plat.

### 5.2 Subdivision Street Disclosure Statement

All public streets shown on the final plat shall be designated in accordance with G.S. 136-102.6 and designation as public shall be conclusively presumed an offer of dedication to the public. Where streets are dedicated to the public but not accepted into the State system, before lots are sold, a statement explaining the status of the street shall be included with the final plat.

### 5.3 Marginal Access Streets

Where a tract of land to be subdivided adjoins a principal arterial street, the subdivider may be required to provide a marginal access street parallel to the arterial street or reverse frontage on a minor street for the lots to be developed adjacent to the arterial. Where reverse frontage is established, private driveways shall be prevented from having direct access to the principal arterial.

### 5.4 Access to Adjacent Property

Where, in the opinion of the Subdivision Administrator, or Planning Board, it is necessary to provide for street access to an adjoining property, proposed streets shall be extended by dedication to the boundary of such property and a temporary turn-around provided.

### 5.5 Nonresidential Streets

The subdivider of a nonresidential subdivision shall provide streets in accordance with F-4 of the North Carolina Roads, Minimum Construction Standards, July 1,

1985, or current standards, and the standards in this ordinance, whichever are stricter.

## 5.6 Design Standards

The design of all public streets and roads within the jurisdiction of this ordinance shall be in accordance with the accepted policies of the N.C. Department of Transportation, Division of Highways, as taken or modified from the American Association of State Highway Officials (AASHO) Manuals. The N.C. Department of Transportation, Division of Highway's Subdivision Roads Minimum Construction Standards, July 1, 1985, or current standards, and County design standards in Appendix A.

## 5.7 For all public streets, the minimum right-of-way widths shall be as follows:

### A. Right-of-Way Width

Right-of-Way widths shall not be less than the following and shall apply except in those cases where right-of-way requirements have been specifically set out in the thoroughfare plan.

<u>Rural</u>	<u>Minimum Right-of-Way, Feet</u>
1. Principal Arterial	
Freeways	350
Other	200
2. Minor Arterial	100
3. Major Collector	100
4. Minor Collector	45
5. Local Road	50

<u>Urban</u>	<u>Minimum Right-of-Way, Feet</u>
1. Major thoroughfare, other that Freeway & Expressway	90
2. Minor Thoroughfare	70
3. Local Street	45
4. Cul-de-sac	45

The subdivider will only be required to dedicate a maximum of one hundred (100) feet of right-of-way. In cases where over one hundred (100) feet of right-of-way is desired, the subdivider will be required only to reserve the amount in excess of one hundred (100) feet in width. In all cases in which right-of-way is sought for an access-controlled facility, the subdivider will only be required to make a reservation.

B. Intersection

1. Streets shall be laid out so as to intersect as nearly as possible at right angles, and no street shall intersect any other street at an angle less than sixty (60) degrees.
2. Property lines at intersections should be set so that the distance from the edge of pavement, of the street turnout, to the property line will be at least as great as the distance for the edge of pavement to the property line along the intersecting streets. This property line can be established as a radius or as a sight triangle. Greater offsets from the edge of pavement to the property lines will be required, if necessary, to provide sight distance for the vehicle on the side street.
3. Offset intersections are to be avoided unless exception is granted by the Division of Highways. Intersections which cannot be aligned should be separated by a minimum length of two hundred (200) feet between survey centerlines.
4. Intersections with arterials, collectors, and thoroughfares, shall be at least one thousand (1,000) feet from center line to center line, or more if required by the N.C. Department of Transportation.

C. Cul-de-sacs

Cul-de-sacs shall not exceed one thousand (1,000) feet in length unless necessitated by topography or property accessibility. Measurement shall be from the point where the center line of the dead-end street intersects with the center of a through street to the center of the turn-around of the cul-de-sac. The distance from the edge of pavement on the vehicular turn-around to the right-of-way line shall not be less than the distance from the edge of pavement to right-of-way line on the street approaching the turn-around. Cul-de-sacs should not be used to avoid connection with an existing street or to avoid the extension of a street, unless exception is granted by the Planning Board.

D. Alleys

1. Alleys shall be required to serve lots used for commercial and industrial purposes except that this requirement may be waived where other definite and assured provision is made for service access. Alleys shall not be provided in residential subdivisions unless necessitated by unusual circumstances.
2. The width of an alley shall be at least eighteen (18) feet.

3. Dead-end alleys shall be avoided where possible, but if unavoidable shall be provided with adequate turn-around facilities at the dead-end.

E. Turning Lanes

Any subdivisions on U.S. and N.C. highways whose master plan shows over 100 lots shall be required to provide turning lanes into the subdivision.

5.9 Private Roads

- A. Existing private roads must meet Division of Highways, N.C. Department of Transportation Minimum Construction Standards for Subdivision Roads except for applying crushed stone or for paving and said private road shall be dedicated to a homeowner's association, prior to further subdivision of property accessed by existing private road.
- B. Standards for development of Type I, II, and III private road or easement, accessing newly created lots shall meet N.C. Department of Transportation maintained roads.

Type II private road serving more than five (5) and less than ten (10) lots, whether existing lots or new lots, or combination of the same, shall meet the following standards:

1. Shall be constructed to meet all the Division of Highways, N.C. Department of Transportation Minimum Construction Standards for Subdivision Roads, including a minimum of six (6) inches of compacted stone; however, said roads do not have to be paved.
2. Shall be dedicated to a homeowners association, and comply with the following, prior to approval of the final plat:
  - a. The homeowners association shall be established before the lots are sold.
  - b. Membership in the association shall be mandatory for each lot buyer and all successive buyers.
  - c. The association shall be responsible for the maintenance and upkeep of the private street or road.
  - d. Any sums levied by the association that remain unpaid shall become a lien on the individual owner's property

which shall be subordinate to tax and mortgagee liens.

- e. Owners of each lot shall have voting rights in the association.
- f. The following information shall also be provided:
  - (1) The name and address of the association.
  - (2) The manner in which directors of the association are to be selected.
  - (3) The post office address of the initial registered office.
  - (4) The name of the city and county in which the registered office is located.
  - (5) The number of director's constituting the initial board of directors.

Type III private road serving ten (10) or more lots, whether existing lots or new lots, or combination of the same, shall meet the following standards:

- 1. Shall be constructed and paved to N.C. Department of Transportation minimum standards for subdivision roads.
- 2. Shall be dedicated to a homeowners association, and comply with the following, prior to approval of the final plat:
  - a. The homeowners association shall be established before the lots are sold.
  - b. Membership in the association shall be mandatory for each lot buyer and all successive buyers.
  - c. The association shall be responsible for the maintenance and upkeep of the private street or road.
  - d. Any sums levied by the association that remain unpaid shall become a lien on the individual owner's property which shall be subordinate to tax and mortgagee liens.
  - e. Any owner of each lot shall have voting rights in the association.
  - f. The following information shall also be provided:
    - (1) The name and address of the association.
    - (2) The manner in which directors of the association

are to be selected.

- (3) The post office address of the initial registered office.
- (4) The name of the city and county in which the registered office is located.
- (5) The number of director's constituting the initial board of directors.

C. Preliminary Plat Approval

All subdivisions with private roads that as of the effective date of this ordinance have Planning Board approval on the preliminary plat of the first phase or section shall be built as approved, however, any additional phases or sections to that subdivision shall follow these regulations.

D. Change in Type, Private Road or Private Easement

All roads, as defined in Section III-5, 5.9B shall meet the standards of construction, based on the number of lots, prior to further subdivision of property.

5.9.1 Private Path

**Purpose:** The purpose of this section is to provide for recordation of plats of existing paths and new access easements to Lot(s)-of-Record which are "landlocked" at the time of the adoption of this section, and to provide for the recordation and naming of these paths and to provide for certain disclosures statements related thereto. (Note: This section is not intended to provide for access to any new parcels of land. All new divisions of land must continue to meet the public or private road standards of Section III, 5.9.

1. Two types of Private Paths may be recorded. New private paths may be created and recorded to serve as access to landlocked lot(s)-of-record only. An existing pathway, farm road, or "cartway" may be recorded as a Private Path to show the actual centerline location of any access already serving occupied dwellings on landlocked parcels. No new divisions of lots, tracts, or parcels of land may be created for any reason by using Private Paths for access purposes.
2. No public agency or staff is required to review suitability, design, or construction standard for Private Paths; however, for the purposes of this section, all accesses must have a minimum width of eighteen (18) feet.
3. Where a private path is established to gain access to a single landlocked parcel, the property owner of the benefited parcel shall be responsible for the upkeep and maintenance of the private path absent any recorded agreement to the contrary. In

the case of multiple landlocked parcels not exceeding 5 lots being benefited by the private path, a Road Maintenance Agreement between the property owners of those parcels served by the Private Path shall first be prepared and recorded in the Brunswick County Registry and the Book and Page of such an agreement must be shown on the plat to be approved.

4. This section shall not be relied upon for the creation of any new lots, parcels or tracts and any private path created pursuant to this section shall be conveyed as an easement or right-of-way only. No instrument shall be prepared purporting to transfer title to path other than as part of the tract from which the private path originally was cut. Any conveyance describing the path shall identify the path as a means of access only for the parcel being served.
5. A map entitled a "Private Path Plat" shall be prepared for recording in the Brunswick County Registry by a Registered or Professional Land Surveyor. Prior to the recordation in the Brunswick County Registry, the form of the map shall be reviewed by the Planning Director. The Planning Director may require any notations or explanations as considered necessary by the Planning Director to be placed on the plat and shall include, but not be limited to the following:
  - (a) Private Path Disclosure Statement similar to that required by N.C.G.S. 136-102.6 which shall be signed by the owner(s) of all properties shown on the plat with notarization of all such signatures.
  - (b) The Private Path Disclosure Statement, at a minimum, must be headed by the word "**NOTICE**" in bold, conspicuous print and the statement must also contain the following information:
    - (1) No new divisions of lots, tracts, or parcels of land may be created for any reason by using Private Paths for access purposes.
    - (2) That all parties acknowledge that the path is for private use only and is not intended to serve as public access.
    - (3) That the responsibility as to construction and maintenance of the path has been determined by the parties, and as related to the maintenance, shown on the plat as either:
      - (a) \_\_\_\_\_ One parcel is served by the private path and the owner of the parcel being benefited by the private path has agreed to be responsible for the maintenance of the private path, or
      - (b) \_\_\_\_\_ One parcel is served by the private path and the owners of the properties shown on the plat have agreed to maintain the private path according to that agreement



recorded in Book\_\_\_\_, Page\_\_\_\_, Brunswick County Registry, or

- (c) \_\_\_\_\_Two or more parcels are benefited by the private path and the parties have agreed to maintain the private path according to the terms of a Road Maintenance Agree-

ment which is recorded in Book \_\_\_\_\_, Page\_\_\_\_\_, Brunswick County Registry.

- (4) That the path will not likely be constructed so as to meet the minimum standards necessary for inclusion on the State highway system for maintenance.
- (5) That all parties shown on the plat acknowledge that no governmental authority, including the County of Brunswick, has given an opinion as to the practicality, suitability, or feasibility of the private path as established by the parties.

#### 5.10 Other Requirements

A. Through Traffic Discouraged on Residential Collector and Local Streets

Residential collector and local streets shall be laid out in such a way that their use by through-traffic will be discouraged. Streets shall be designed or walkways dedicated to assure convenient access to parks, playgrounds, schools, or other places of public assembly.

B. Street Names

Proposed streets which are obviously in alignment with existing streets shall be given the same name. In assigning new names, duplication of existing names shall be avoided and in no case shall the proposed name be phonetically similar to existing names in the County, irrespective of the use of a suffix such as street, road, drive, place, court, etc. Street names shall be subject to the approval of the GIS Staff.

C. Street Name Signs

The subdivider shall be required to provide and erect street name signs to County standards at all intersections within the subdivision.

D. Permits for Connection to State Roads

An approved driveway permit is required for connection to any existing State system road. This permit is required prior to any construction on the

street or road. The application is available at the office of the nearest district engineer of the Division of Highways (N.C.D.O.T.).

### Section III-6 Utilities

#### 6.1 Utility - Water

Brunswick County adopted a water extension policy on March 16, 1998.

#### 6.2 Utility - Sewer

Brunswick County's existing sewer use ordinance adopted November, 1994 is currently being revised. The new revised ordinance will become Appendix E.

#### 6.3 Stormwater and Sedimentation and Erosion Control

All major subdivisions (as defined by this Ordinance) shall provide storm water drainage systems. Residential subdivisions shall have systems designed to protect to the ten (10) year storm level, and commercial and industrial shall be protected to the twenty-five (25) year storm level according to State and NC DOT standards. In addition, storm drainage systems shall meet the following requirements:

- A. No surface water shall be channeled or directed into a sanitary sewer.
- B. Where feasible, the subdivider shall connect to an existing storm drainage system.
- C. Where an existing subsurface storm drainage system cannot feasibly be extended to the subdivision or cannot handle the additional load, a surface drainage system shall be designed to protect the proposed development from water drainage.
- D. Surface drainage courses shall be designed to comply with the standards and specifications of erosion control of the North Carolina Sedimentation Pollution Control Act, G.S. 143-34.12, Chapter 113A, Article 4 and the N.C. Administration Code Title 15, Chapter 4, Division of Coastal Management Stormwater regulations, and any locally adopted ordinances.
- E. Stream banks and channels downstream from any land disturbing activity shall be protected from increased degradation by accelerated erosion caused by increased velocity of runoff from the land disturbing activity in accordance with the North Carolina Sedimentation Pollution Control Act, G.S. 143-34, 12, Chapter 113A, Article 4, and the N.C. Administration Code Title 15, Chapter 4.
- F. Anyone constructing a dam or impoundment within the subdivision must comply with the North Carolina Dam Safety Law and the North Carolina Administrative Code Title 15, Sub-chapter 2K.
- G. In all areas of special flood hazards, all subdivisions proposal shall have adequate drainage provided to reduce exposure to flooding.

- H. On streets where the grade is greater than five (5) percent, storm drainage must be installed underground using a standard curb and gutter. Where street grades are less than five (5) percent, the developer shall install either underground drainage, grass swales or a combination thereof.
  - I. Post development run-off rates shall not exceed pre-development run-off rates by more than five (5) percent.
- 6.4 Street lights shall be provided in all major subdivisions of 25 lots or more, by the developer as regulated by the appropriate utility company. If the master plan shows more than 25 lots, the entire subdivision will be required to have street lights.
- 6.5 In new subdivisions, electrical, telephone, and cable shall be underground. The subdivider shall provide copies of the plat to all affected utility companies.

### Section III-7 Buffering

#### 7.1 Buffering

A strip of land with natural or planted vegetation located between a structure and a property line intended to separate and partially obstruct the view of adjacent land uses from one another. A buffer may include any required screening for the site. Buffering should be accordance to the requirements as outlined in the zoning ordinance. Buffering should be located outside drainage easement areas.

### Section III-8 Other Requirements

#### 8.1 Placement of Monuments

Unless otherwise specified by this ordinance, the Standard of Practice for Land Surveying as adopted by the N.C. State Board of Registration for Professional Engineers and Land Surveyors, under the provisions of Title 21 of N.C. Administrative Code, Chapter 56 (21 NCAC 56), shall apply when conducting surveys for subdivisions; to determine the accuracy for surveys and placement of monuments, control corners, markers, and property corner ties; to determine the location, design, and material of monuments, markers, control corners, and the property corner ties; and to determine other standards and procedures governing the practice of land surveying for subdivisions.

#### 8.2 Construction Procedures

No construction or installation of improvements shall commence in a proposed subdivision until the preliminary plat has been approved, and all plans and

specifications have been approved by the appropriate authorities, and signed off on by the Planning Director and Director of Engineering.

No building, zoning, or other permits shall be issued for erection of a structure on any lot not of record at the time of adoption of this ordinance until the final plat has been approved and recorded. The subdivider, prior to commencing any work within the subdivision, shall make arrangements with the administrator of this ordinance to provide for adequate inspection. The approving authorities having jurisdiction or their representatives, shall inspect and approve all completed work prior to release of the sureties.

## ARTICLE IV ADMINISTRATIVE PROVISIONS

### Section IV-1 General Procedure for Plat Approval

After the effective date of this ordinance January 19, 1999, no subdivision plat of land within the County's jurisdiction shall be filed or recorded until it has been submitted to and approved by the Brunswick County Planning Director or Planning Board, as set forth in Chapter 3 of this ordinance, and until this approval appears on the face of the plat.

### Section IV-2 Statement By Owner

The owner of land shown on a subdivision plat submitted for recordation, or his authorized agent, shall sign a statement on the plat stating whether or not any land shown thereon is within the Subdivision Regulation jurisdiction of Brunswick County.

### Section IV-3 Effect of Plat Approval on Dedications

Pursuant to G.S. 153A-333, the approval of a plat does not constitute or affect the acceptance by the County or the public of a dedication of any street or other ground, public utility line, or other public facility shown on the plat and shall not be construed to do so.

### Section IV-4 Penalties For Violation

- 4.1 After the effective date of this ordinance, any person who, being the owner or agent of the owner of any land located within the territorial jurisdiction of this ordinance, thereafter subdivides his land in violation of this ordinance or transfers or sells land by reference to, exhibition of, or any other use of a plat showing a subdivision of the land before the plat has been properly approved under the terms of this ordinance shall be guilty of a misdemeanor. The description of metes and bounds in the instrument of transfer or other document used in the process of selling or transferring land shall not exempt the transaction from this penalty. The County, through its attorney or other official designated by the Board of Commissioners, may enjoin illegal subdivision, transfer, or sale of land by action for injunction. Further, the violation of any provision of this ordinance shall subject the offender to the penalties prescribed by G.S. 153A-334. Rev. 02/06/06
- 4.2 Violators of this ordinance shall be subject, upon conviction, to fine as provided by G.S. 14-4.

### Section IV-5 Exceptions to Subdivision Regulations

The Brunswick County Planning Board may authorize exceptions from these regulations for major and minor plats when, in its opinion, undue hardship may result from strict compliance. In granting any exceptions, the Board shall make the findings required below, taking into account the nature of the proposed subdivision, and the probable effect of the

proposed subdivision upon traffic conditions in the vicinity. No exception shall be granted unless the Board finds all of the following:

- A. That there are special circumstances or conditions affecting said property such that the strict application of the provisions of this ordinance would deprive the applicant of the reasonable use of his land.
- B. That the exception is necessary for the preservation and enjoyment of a substantial property right of the petitioner.
- C. That the circumstances giving rise to the need for the exception are peculiar to the parcel and are not generally characteristic of other parcels in the jurisdiction.

#### Section IV-6 Amendments

The Brunswick County Board of Commissioners may from time to time amend the terms of this ordinance but no amendment shall become effective unless it shall have been proposed by or shall have been submitted to the Planning Board for review and recommendation.

No amendment shall be adopted by the governing body until they have held a public hearing on the amendment. Notice of the public hearing shall be published in a newspaper of general circulation in Brunswick County at least once a week for two (2) successive calendar weeks prior to the hearing. The initial notice shall be published the first time not less than ten (10) days nor more than twenty-five (25) days before the date fixed for the hearing. In computing such period, the day of publication is not to be included, but the date of the hearing shall be included.

## **APPENDIX A**

### **DESIGN STANDARDS - STREETS**

#### **Section 1: Street Classification**

- (a) In all new subdivisions, streets that are dedicated to public use shall be classified as provided in Subsection (b).
  - (1) The classification shall be based upon the projected volume of traffic to be carried by the street, stated in terms of the number of trips per day;
  - (2) The number of dwelling units to be served by the street may be used as a useful indicator of the number of trips but is not conclusive;
  - (3) Whenever a subdivision street continues an existing street that formerly terminated outside the subdivision or it is expected that a subdivision street will be continued beyond the subdivision at some future time, the classification of the street will be based upon the street in its entirety, both within and outside of the subdivision.
- (b) The classification of streets shall be as follows:
  - (1) Minor. A street whose sole function is to provide access to abutting properties. It serves or is designed to serve not more than nine dwelling units or expected to or does handle up to 75 trips per day.
  - (2) Local. A street whose sole function is to provide access to abutting properties. It serves or is designed to serve at least 10 but no more than 25 dwelling units or expected to or does handle between 75 and 200 trips per day.
  - (3) Cul-de-sac. A street that terminates in a vehicular turnaround.

- (4) Subcollector. A street whose principal function is to provide access to abutting properties but is also designed to be used or is used to connect minor and local streets with collector or arterial streets. Including residences indirectly served through connecting streets, it serves or is designed to serve at least 26 but not more than 100 dwelling units and is expected to or does handle between 200 and 800 trips per day.
- (5) Collector. A street whose principal function is to carry traffic between minor, local, and subcollector streets and arterial streets but that may also provide direct access to abutting properties. It serves or is designed to serve, directly or indirectly, more than 100 dwelling units and is designed to be used or is used to carry more than 800 trips per day.
- (6) Arterial. A major street in the county's street system that serves as an avenue for the circulation of traffic into, out, or around the county and carries high volumes of traffic.
- (7) Marginal Access Street. A street that is parallel to and adjacent to an arterial street and that is designed to provide access to abutting properties so that these properties are somewhat sheltered and so that the flow of traffic on the arterial street is not impeded by direct driveway access from a large number of abutting properties.

Section 2:  
Access to Lots

Every lot shall have access to it that is sufficient to afford a reasonable means of ingress and egress for emergency vehicles as well as for all those likely to need or desire access to property in its intended use.

Section 3:  
Access to Arterial Streets

Whenever a major subdivision that involves the creation of one or more new streets borders on or contains an existing or proposed arterial street, no direct driveway access may be provided from the lots within this subdivision onto this street.



Section 4:  
Entrances to Streets

- (a) All driveway entrances and other openings onto streets within the county's planning jurisdiction shall be constructed so that:
  - (1) Vehicles can enter and exit from the lot in question without posing any substantial danger to themselves, pedestrians, or vehicles traveling in abutting streets, and
  - (2) Interference with the free and convenient flow of traffic in abutting or surrounding streets is minimized.
- (b) Specifications for driveway entrances are according to N.C. DOT standards. If driveway entrances and other openings onto streets are constructed in accordance with the foregoing specifications and requirements, that shall be deemed prima facie evidence of compliance with the standard set forth in Subsection(a).
- (c) For purposes of this section, the term prima facie evidence means that the permit-issuing authority may (but is not required to) conclude from this evidence alone that the proposed development complies with Subsection(a).

Section 5:  
Coordination with  
Surrounding Streets

- (a) The street system of a subdivision shall be coordinated with existing, proposed, and anticipated streets outside the subdivision or outside the portion of a single tract that is being divided into lots (hereinafter, "surrounding street") as provided in this section.
- (b) Collector streets shall intersect with surrounding collector or arterial streets at safe and convenient locations.
- (c) Subcollector, local, and minor residential streets shall connect with surrounding streets where necessary to permit the convenient movement of traffic between residential neighborhoods or to facilitate access to neighborhoods by

emergency service vehicles or for other sufficient reasons, but connections shall not be permitted where the effect would be to encourage the use of such streets by through traffic.

- (d) Whenever connections to anticipated or proposed surrounding streets are required by this section, the street right-of-way shall be extended and the street developed to the property line of the subdivided property (or to the edge of the remaining undeveloped portion of a single tract) at the point where the connection to the anticipated or proposed street is expected. In addition, the permit-issuing authority may require temporary turnarounds to be constructed at the end of such streets pending their extension when such turnarounds appear necessary to facilitate the flow of traffic or accommodate emergency vehicles.

## APPENDIX B

### IMPROVEMENT GUARANTEES

The following are examples of an improvements guarantee agreement, a performance bond agreement, and an irrevocable letter of credit. The County Attorney shall approve the form of any such agreements.

Improvements Guarantee Agreement

STATE OF NORTH CAROLINA

AGREEMENT

COUNTY OF BRUNSWICK

THIS AGREEMENT MADE AND ENTERED INTO this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_ by and between \_\_\_\_\_ (Subdivider) hereinafter known as “the Subdivider”, and the Brunswick County Planning Board, hereinafter known as “the Board”, which Board is also a duly constituted agency of the County of Brunswick.

WITNESSETH:

WHEREAS, the Subdivider is attempting to secure from the Board approval of a Final Plan of a Proposed subdivision to be known as the \_\_\_\_\_ Subdivision to be located in Brunswick County, North Carolina, and

WHEREAS, a County ordinance entitled Subdivision Ordinance for the County of Brunswick as adopted by the Board of Commissioners for the County of Brunswick on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, (and as subsequently amended), requires the completion of certain improvements prior to Final Plat approval by the Board; and

WHEREAS, said Ordinance also allows the Board, at its discretion, to permit the Subdivision to (post a surety bond) (deposit cash or other instrument readily convertible into cash at face value) with the County of Brunswick through the Board to guarantee the completion of said required improvements; and

WHEREAS, the Board desires to approve said Final Plat and, in lieu of requiring completion of all improvements prior to said approval, will accept from the Subdivider the filing of a (surety performance bond with \_\_\_\_\_ Company as surety) (letter of credit from the \_\_\_\_\_ Bank) (other) to guarantee and secure completion of said improvements.

IT IS THEREFORE, AGREED AS FOLLOWS:

1. The Subdivider will, on or before the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, complete as required the following improvements in the \_\_\_\_\_ Subdivision:

(here detail all improvements to be completed)

2. The Subdivider shall file with the County of Brunswick through the Board a (enter here the type of document to be filed) securing and guaranteeing completion of said improvements by the required date; and

3. When the (enter here the type of document to be filed) is filed and other requirements of said Ordinance are met, then the Board will approve the Final Plat of the \_\_\_\_\_ Subdivision.

The Brunswick County Planning Board has, by appropriate Board action, caused this Agreement to be executed by its Chairman or other authorized member and attested by the Clerk to the Board, and the \_\_\_\_\_ (Name of company) has, by appropriate action of and attested by its \_\_\_\_\_ Secretary under corporate seal this the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

BRUNSWICK COUNTY PLANNING BOARD

Attest: BY \_\_\_\_\_  
Chairman

\_\_\_\_\_  
Clerk to the Board

\_\_\_\_\_  
(Name of corporation)

Attest: \_\_\_\_\_ BY \_\_\_\_\_  
Secretary President

STATE OF NORTH CAROLINA

COUNTY OF BRUNSWICK

I, \_\_\_\_\_, Notary Public for said State and County certify that  
\_\_\_\_\_, personally came before me this day and acknowledge  
that (s)he is \_\_\_\_\_ Secretary of \_\_\_\_\_, a  
corporation, and that by authority duly given and as the act of the corporation, the foregoing  
instrument was signed in it name by its \_\_\_\_\_ self as its \_\_\_\_\_  
Secretary.

Witness my hand and notarial seal, this the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
Notary Public

My Commission Expires:\_\_\_\_\_

(This Agreement may be appropriately modified for execution by a subdivider who is not  
incorporated).

## Performance Bond

STATE OF NORTH CAROLINA

## PERFORMANCE BOND

COUNTY OF BRUNSWICK

KNOW ALL MEN BY THESE PRESENTS that we,           (the Name of the Subdivider)           as Principal, and           (the Name of the Bonding Company)           as Surety, are held and firmly bound unto the County of Brunswick, a political subdivision of the State of North Carolina, and a body politic and corporate, in the sum of \$                                 , lawful money of the United States of America, for the payment of which, well and truly be made, we, and each of us, bind ourselves and each of us, our successors and assigns, jointly and severally, by these presents.

THE CONDITIONS OF THIS OBLIGATION ARE SUCH THAT:

WHEREAS, the Principal has submitted a Final Plat of the subdivision known as \_\_\_\_\_ Subdivision, located in Brunswick County, North Carolina, for approval by the Brunswick County Planning Board, an agency of the County of Brunswick, which approval is a condition precedent to the right of said Principal to have said final plat registered in the Office of the Register of Deeds for Brunswick County; and

WHEREAS, the Brunswick County Planning Board is unable, pursuant to County ordinance, to approve said plat of said Subdivision for registration until all required improvements are completed or until a guarantee of completion of said required improvements is filed with the County of Brunswick through said Planning Board; and

WHEREAS, the Brunswick County Planning Board and the Principal have this date entered into an Agreement which said Board will approve Principal's final plat for the \_\_\_\_\_ Subdivision prior to the completion of required improvements, and the Principal has agreed to file a Surety Bond in the amount of \$\_\_\_\_\_ securing to the County of Brunswick, through said Board, the actual completion of said required improvements on or before the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, which Agreement is attached hereto as Exhibit A and made a part hereof; and

WHEREAS, the improvements required and agreed to be completed are set forth in said Exhibit A.

NOW THEREFORE, if the Principal shall fully comply with all the terms hereof, including the requirements of that Agreement attached hereto as Exhibit A and by which the Principal agrees to complete certain improvements on or before the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, then this obligation shall be null and void; otherwise, it shall remain in full force and effect.

IN WITNESS WHEREOF the said Principal and Surety have hereunto set their hands and seals  
this the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
Principal

BY \_\_\_\_\_(SEAL)  
President

Attest:

\_\_\_\_\_

\_\_\_\_\_  
Surety

\_\_\_\_\_(SEAL)  
Attorney-in-fact  
(Power of Attorney attached)



Irrevocable Letter of Credit

STATE OF NORTH CAROLINA

IRREVOCABLE LETTER OF CREDIT

COUNTY OF BRUNSWICK

NO. \_\_\_\_\_

\_\_\_\_\_  
(Name of Bank)

Address: \_\_\_\_\_  
(include branch, if any)

Date: \_\_\_\_\_

TO: The County of Brunswick Planning Board

We hereby open our irrevocable credit in your favor available by your drafts at sight on us for a sum not exceeding \$\_\_\_\_\_ for the account of \_\_\_\_\_ hereinafter known as "Customer". When presented for negotiation, drafts must be accompanied by the signed statement of the Chairman of the Brunswick County Planning Board that drawing is due to default or failure to perform by Customer, the following improvements in the \_\_\_\_\_ Subdivision on or before the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_:

(Here list the required improvements)

The term of this irrevocable credit is either through and including the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_ or upon written notice from the Chairman of the Brunswick County Planning Board that the required improvements have been timely completed, whichever is earlier.

Acting through the Chairman of the Brunswick County Planning Board, you will notify us when either of the following occurs:

1. The required improvements have been timely completed and the credit may be released; or
2. The Customer has failed to perform or is in default thereunder.

All drafts shown hereunder must be marked as follows:

The amount of any draft drawn under this credit must, concurrently with negotiation, be endorsed on the reverse side hereof, and the presentation of any such draft shall be a warranty by the negotiating bank that such endorsement has been made.

This Letter of Credit shall be transferable and/or assignable.

This Letter of Credit, except as otherwise expressly provided herein, is governed by the Uniform Commercial Code in force in the State of North Carolina on the date hereof,

Very truly yours,

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(Name of Bank)

BY: \_\_\_\_\_  
(Authorized Signature)

## APPENDIX C

THE FOLLOWING IS AN EXCERPT FROM THE STANDARDS FOR LAND SURVEYING IN NORTH CAROLINA. (Found on page 5)

B. DEFINITION OF THE PRACTICE OF LAND SURVEYING:

“Practice of land surveying” by Registered Land Surveyors shall mean any service or work, the adequate performance of which involves the application of special knowledge of the principles of mathematics, the related physical and applied sciences, and the relevant requirements of law for adequate evidence to the act of measuring and locating lines, angles, elevations, natural and man made features in the air, on the surface of the earth, within underground workings, and on the beds of bodies of water for the purpose of determining areas and volumes, for the monumenting of property boundaries, and for the platting and layout of lands and subdivisions thereof, including the topography, alignment and grades of street and incidental drainage within the subdivision, and for the preparation and perpetuation of maps, record plats, field note records, and property descriptions that represents these surveys.

The term “practice of land surveying” shall not be construed to permit the design or preparation of specifications for (i) major highways (ii) wastewater systems; (iii) wastewater or industrial waste treatment works; (iv) pumping or lift stations; (v) water supply, treatment, or distribution systems; (vi) streets or storm sewer systems except as incidental to a subdivision.

The above describes that which a Registered Surveyor may design, supervise the construction of, and certify upon completion. All other items required by this ordinance must and shall be the responsibility of a Professional Engineer registered in North Carolina.

First Reading on October 5, 1998

Public Hearing and Second Reading on December 21, 1998

Adoption on January 19, 1999

BRUNSWICK COUNTY BOARD OF COMMISSIONERS

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Chairman

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Clerk to the Board